UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,428	02/07/2002	Masaki Nakai	10270.0001/P001	7889

32172   7590   12/24/2009
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EXAMINER
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ART UNIT	PAPER NUMBER
3696	

MAIL DATE	DELIVERY MODE
12/24/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _02 September 2009_.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-5,7-18,20-30 and 32-38_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-5, 7-18, 20-30, and 32-38_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7-18, 20-30, and 32-38 are rejected under 35 U.S.C. 102(e) as being

anticipated by Nishimoto (PUB NO.: 2002/0143648).

Re claim 1. Nishimoto discloses an online shopping settlement method comprising:

detecting by a communication common carrier an order forwarded from a user terminal

to a Web server providing online shopping services slip (i.e., order data, see fig. 16

element sl00, also see paras 0100-0101) and detecting an order confirmation slip that

confirms receipt of said order slip forwarded from said Web server to said user terminal

(i.e., order confirmation data, see fig. 17 element s200, also see paras 0104-0109), said

communication common carrier collecting the price of said online shopping services as

communication charges, for transactions for which said order slip and order

confirmation slip are prepared, to collect charges that should be paid by said user

terminal to said Web server (see fig.19 elements s406, s408, and s410, also see fig.6,

also see paras 0110), establishing an account-subscriber table holding a list of the

relationship between the account name allocated to said user terminal by said Internet

service provider and the subscriber line number of said user terminal (see fig.5); and

accessing said account-subscriber table using the account name of said user terminal

that connected to the Internet service provider to retrieve the subscriber line number

(see paras 0012 and 0014) and then certifying said user terminal that connected to said

Internet service provider through checking conditions of said subscriber line (see paras

0101).

Re claim 2. Nishimoto further discloses an online shopping settlement method that is a

settlement method for an online shopping system comprising a user terminal, an

Internet service provider connected to said user terminal via a network of a

communication common carrier providing communication services to said user terminal

and a Web server connected to said Internet service provider via the Internet providing

online shopping services for said user terminal (see fig. 1), which settlement method

includes: (a) detecting an order slip forwarded from said user terminal to said Web

server and the corresponding order confirmation slip for confirming receipt of said order

slip forwarded from said Web server to said user terminal (see fig. 16 and 17); (b)

recording said order slip and order confirmation slip thus detected (see paras 0012);

and (c) wherein said communication common carrier that provides a communication

service to said user terminal and collects the price therefor as communication charges,

acts as a substitute in respect of a transaction for which the requisite pair of order slip

and order confirmation slip are prepared and which transaction is recorded, to collect

charges that should be paid by said user terminal to said Web server (see fig. 19

elements s406, s408, and s410, also see fig.6), (d) establishing an account-subscriber

table holding a list of the relationship between the account name allocated to said user terminal by said Internet service provider and the subscriber line number of said user terminal (see fig 5); and (e) accessing said account-subscriber table using the account name of said user terminal that connected to the Internet service provider to retrieve the subscriber line number (see paras 0012 and 0014) and then certifying said user terminal that connected to said Internet service provider through checking conditions of said subscriber line (see paras 0101).

Re claim 3. Nishimoto further discloses online shopping settlement method according to claim 2, which uses a port number for online shopping, set for said order slip and order confirmation slip, for sending and receiving said order slip and order confirmation slip between said user terminal and said Web server respectively and wherein, at said step (a) of the settlement method further includes: a packet transferring from said Internet service provider to the Internet with an online shopping port number, is detected as being said order slip and a packet coming into said Internet service provider from the Internet with an online shopping port number is detected as being said order confirmation slip (i.e., header. Note the message header usually comprises the port number and the ip addresses of the sending host and the destination host, see fig. 7, 9, 11 and 12, also see fig.16 and fig.17).

Re claim 4. Nishimoto further discloses an online shopping settlement method according to claim 2, which relays said order slip and said order confirmation slip using a relay point established in advance for facilitating the sending and receiving of those slips between said user terminal and Web server and wherein, step (a) of the settlement

method further includes: said order slip and order confirmation slip are detected through

said relay point (i.e., header. Note the message header usually comprises the port

number and the ip addresses of the sending host and the destination host, see fig. 7, 9,

11 and 12).

Re claim 5. Nishimoto further discloses an online shopping settlement method

according to any of claims 3 or 4, which at said step (b) of the settlement method further

includes: using a Web server IP table holding a list of IP addresses of Web servers for

which charges are collected and does not record an order slip among those order slips

detected at said step (a) for which the IP address of the Web server that is the

destination is not registered in said Web server IP table and does not record an order

confirmation slip amongst those order confirmation slips detected at said step (a) for

which the/P address of the Web server that is the sender is not registered in said Web

server IP tab (see fig.5).

Re claim 7. Nishimoto further discloses an online shopping settlement method

according to claim 2, wherein when said user terminal is connected to said Internet

service provider, the relationship between the IP address allocated to said user terminal

from said Internet service provider and the subscriber line number is stored in an IP-

subscriber table, which method at said step (b), does not record an order slip from

among those order slips detected at said step (a) for which the subscriber line number

corresponding to the source IP address is not registered in said/P- subscriber table, and

does not record an order confirmation slip from among those order confirmation slips

detected at said step (a) for which the subscriber line number corresponding to the IP

address of the user terminal that is the destination is not registered in said IP-subscriber

table (see fig.5).

Re claims 8, 9-11. Nishimoto further discloses an online shopping settlement method

wherein is also included a step (f) establishing an account-caller table holding a list of

the relationship between the account name allocated to said user terminal by said

Internet service provider and the calling telephone number of said user terminal (see

fig.5), and certifies said user terminal connected to said Internet service provider

through checking whether or not the combination of the account name of said user

terminal connected to said Internet service provider and the calling telephone number is

registered in said account- caller table (see paras 0101)

Re claims 12, 13. Nishimoto an online shopping settlement method that at said step (c)

calculates the online shopping charges that should be collected from said user based

on said order slip and order confirmation slip recorded at said step (b) and requests

payment together with communication charges when invoicing said user terminal for

communication charges (see fig.19 elements s406, s408, and s410, also see fig.6)

Re claim 14. Nishimoto further discloses an online shopping settlement system for use

by a communication common carrier that provides a communication service to a user

terminal, comprising: order slip monitoring means for detecting an order slip forwarded

from said user terminal to a Web server providing online shopping services and

detecting a corresponding order. confirmation slip forwarded from said Web server to

said user terminal for confirming receipt of said order slip (see fig. 16 and 17), charge

collecting means for collecting charges of said online shopping services as

communication charges wherein said charge collecting means collects said charges in

respect of a transaction for which an order slip and a corresponding order confirmation

slip are detected by said order slip monitoring means, to collect charges that should be

paid by said user terminal to said Web server (see fig. 19 elements s406, s408, and

s410, also see fig.6), an account-subscriber table holding a list of the relationship

between an account name allocated to said user terminal by an Internet service

provider and a subscriber line number of said user terminal (see fig.5); and a

certification means for accessing said account-subscriber table using the account name

of said user terminal that is connected to the Internet service provider to retrieve the

subscriber line number (see paras 0012 and 0014) and certifying said user terminal that

is connected to said Internet service provider through checking conditions of said

subscriber line (see paras 0101).

Re claim 15. Nishimoto further discloses an online shopping settlement system that is a

settlement system of an online shopping system comprising a user terminal, an Internet

service provider connected to said user terminal via a network of a communication

common carrier providing communication services to said user terminal and a Web

server connected to said Internet service provider via said Internet which server

provides online shopping services to said user terminal (see fig. 1), which settlement

system includes: an order slip monitoring means for detecting an order slip forwarded

from said user terminal to said Web server and detecting the corresponding order

confirmation slip forwarded from said Web server to said user terminal for confirming

receipt of said order slip (see fig. 16 and 17); and an order slip recording means for

recording said order slip and order confirmation slip detected by said order slip

monitoring means (see paras 0012), and a settlement means for collecting charges in

substitute that is a means for use by said communication common carrier which means

acts as a substitute in respect of a transaction for which said requisite pair of order slip

and order confirmation slip are prepared and recorded in said order slip recording

means, to collect charges that should be paid by said user terminal to said Web server

(see fig.19 elements s406, s408, and s410, also see fig.6), an account-subscriber table

holding a list of the relationship between an account name allocated to said user

terminal by said Internet service provider and a subscriber line number of said user

terminal (see fig.5), and a subscriber certification means that receives from said Internet

service provider the account name of said user terminal that is connected to said

Internet service provider, accesses said account-subscriber table and retrieves the

appropriate subscriber line number and through checking the condition of that

subscriber line (see paras 0012 and 0014), certifies said user terminal is connected to

said Internet service provider (see paras 0101).

Re claims 16, 17-18, and 20. Nishimoto further discloses an online shopping

settlement system wherein the configuration is such that a port number for online

shopping especially set for said order slip and order confirmation slip is used, facilitating

the sending and receiving of said order slip and order confirmation slip between said

user terminal and said Web server (i.e., header. Note the message header usually

comprises the port number and the ip addresses of the sending host and the destination

host, see fig. 7, 9, 11 and 12), and wherein said order slip monitoring means provides a

means for detecting those packets among packets going out from said Internet service provider to the Internet which have an online shopping port number as being an order slip and detecting those packets among packets coming into said Internet service provider from the Internet which have an online shopping port number as being an order confirmation slip (see fig. 11, 12, 16 and 17)

Re claims 21, 22-24. Nishimoto further discloses an online shopping settlement system according that provides an account-caller table holding a list of the relationship between the account name allocated to said user terminal by said Internet service provider and the calling telephone number of said user terminal (see fig.5), and that provides a subscriber certification means that receives from said Internet service provider, the account name of said user terminal that connected to said Internet service provider and the calling telephone number, and through checking whether or not the combination of the account name of said user terminal connected to said Internet service provider and the calling telephone number is registered in said account-caller table, certifies said user terminal that connected to said Internet service provider (see paras 0101, 0012, and 0014).

Re claims 25, 26. Nishimoto further discloses an online shopping settlement system wherein said settlement means provides a means for calculating the online shopping charges that should be collected from said user based on said order slip and order confirmation slip recorded by said order slip recording means and requests payment together with communication charges when invoicing said user terminal for communication charges (see fig.19 elements s406, s408, and s410, also see fig.6)

Re claim 27. Nishimoto further discloses an online shopping settlement program

operating a computer forming a settlement system of an online shopping system that

includes a user terminal, an Internet service provider connected to said user terminal via

a network of a communication common carrier providing communication services to

said user terminal and a Web server connected to said Internet service provider via the

Internet which server provides online shopping services to said user terminal, such that

said computer functions as: an order slip monitoring means for detecting an order slip

forwarded from said user terminal to said Web server and detecting the corresponding

order confirmation slip forwarded from said Web server to said user terminal for

confirming receipt of said order slip (see fig. 16 and 17); an order slip recording means

for recording said order slip and order confirmation slip detected by said order slip

monitoring means (see paras 0012); and a settlement means for collecting charges in

substitute that is a means for use by said communication common carrier which means

acts as a substitute in respect of a transaction for which the requisite pair of orderslip

and order confirmation slip are prepared and recorded in said order slip recording

means, to collect charges that should be paid by said user terminal to said Web server

(see fig. 19 elements s406, s408, and s410, also see fig.6), an establishing means for

providing an account-subscriber table holding a list of the relationship between an

account name allocated to said user terminal by said Internet service provider and a

subscriber line number of said user terminal (see fig.5), and a subscriber certification

means that receives from said Internet service provider the account name of said user

terminal that is connected to said Internet service provider, accesses said account-

subscriber table and retrieves the appropriate subscriber line number and through

checking the condition of that subscriber line (see paras 0012 and 0014), certifies said

user terminal is connected to said Internet service provider (see paras 0101).

Re claims 28, 29-30. Nishimoto further discloses an online shopping settlement

program facilitating a configuration wherein a port number for online shopping especially

set for said order slip and order confirmation slip is used, facilitating the sending and

receiving of said order slip and order confirmation slip between said user terminal and

said Web server (i.e., header. Note the message header usually comprises the port

number and the ip addresses of the sending host and the destination host, see fig. 7, 9,

11 and 12), and facilitating said order slip monitoring means providing a means for

detecting those packets among packets going out from said Internet service provider to

said Internet which have an online shopping port number as being an order slip and

detecting those packets among packets coming into said Internet service provider from

said Internet which have an online shopping port number as being an order confirmation

slip (see fig. 11, 12, 16 and 17).

Re claims 32. Nishimoto further discloses an online shopping settlement program

facilitating operations such that said subscriber certification means provides an IP-

subscriber table that stores the relationship between the IP address allocated to said

user terminal from said Internet service provider and said subscriber line number while

said user terminal is connected to said Internet service provider, and facilitating

operations such that said order slip recording means does not record an order slip from

among those order slips detected by said order slip monitoring means for which the

subscriber line number corresponding to the source IP address is not registered in said

IP-subscriber table and does not record an order confirmation slip from among those

order confirmation slips detected by said order slip monitoring means for which the

subscriber line number corresponding to the IP address of said user terminal that is the

destination is not registered in said IP-subscriber table (see fig5)

Re claims 33-36. Nishimoto further discloses an online shopping settlement program

facilitating operations such that said subscriber certification means provides an IP-

subscriber table that stores the relationship between the IP address allocated to said

user terminal from said Internet service provider and said subscriber line number while

said user terminal is connected to said Internet service provider (see fig.5), and

facilitating operations such that said order slip recording means does not record an

order slip from among those order slips detected by said order slip monitoring means for

which the subscriber line number corresponding to the source IP address is not

registered in said IP-subscriber table and does not record an order confirmation slip

from among those order confirmation slips detected by said order slip monitoring means

for which the subscriber line number corresponding to the IP address of said user

terminal that is the destination is not registered in said IP-subscriber table (see paras

0071-0072).

Re claims 37 and 38. Nishimoto further discloses an online shopping settlement

program facilitating operations such that said settlement means provides a means for

calculating the online shopping charges that should be collected from said user based

on said order slip and order confirmation slip recorded by said order slip recording

means and requests payment together with communication charges when invoicing said

user terminal for communication charges (see fig. 19 elements s406, s408, and s410,

also see fig.6).

Response to Arguments

Applicant's arguments filed 09/02/09 have been fully considered but they are not

persuasive. The applicant argues in substance that the primary reference, Nishimoto,

fails to disclose the language of claim 1 i.e., "accessing said account-subscriber table

using the account name of said user terminal that is connected to the Internet service

provider to retrieve the subscriber line number and then certifying said user terminal

that is connected to said Internet service provider through checking conditions of said

subscriber line." Contrary to the applicant's assertion, Nishimoto teaches "accessing

said account-subscriber table using the account name of said user terminal that is

connected to the Internet service provider to retrieve the subscriber line number." (i.e.,

When the user enters the article information into the user's terminal such as a mobile

telephone, the entered article information and the ESN stored in the user's terminal are

sent to the online shopping apparatus. The online shopping apparatus retrieves the

user's name and destination, which are stored in advance and correspond to the ESN,

and prepares the user information for sending them to the terminal of the online

shopping dealer. The online shopping dealer performs processing for sending the

article selected by the user to the destination based on the received article information

and the user information, see paras 0014). The examiner asserts that the online

shopping apparatus, taught by Nishimoto, accesses the internal database to retrieve

the pre-stored user's name and destination which is akin to applicant's claimed

limitation of "accessing said account-subscriber table using the account name of said

user terminal that is connected to the Internet service provider to retrieve the

subscriber line number." Nishimoto further discloses "certifying said user terminal that

is connected to said Internet service provider through checking conditions of said

subscriber line." (i.e., The user of mobile telephone 200 views a catalog or the like for

online shopping, and determines the article number of the article, which the user

intends to purchase. The user of mobile telephone 200 enters the determined article

number and the quantity via console 252 of mobile telephone 200. The user of mobile

telephone 200 requests via console 252 the sending of the order data to server 100.

Mobile telephone 200 reads out the identification number stored in storing portion 240,

and sends the order data (FIG. 7) including the identification number and the telephone

number to server 100. When server 100 receives the order data (FIG. 7) from mobile

telephone 200 (YES in S100), server 100 reads out the user ID from the user database

(FIG. 5) based on the identification number included in the received order database. If

the user in question is already registered (YES in S104), the name and address of the

user, who sent the order data, are read out from the user database (FIG. 5) based on

the identification number (S108). Server 100 prepares transfer data (FIG. 8) based on

the read name and address of the user (S110), and sends the transfer data (FIG. 8) to

computer 300 of the online shopping dealer (S112), see paras 0100-0101). The

process, taught by Nishimoto supra, of verifying that the subscriber/user is registered

with the service provider by checking the subscriber's name and address in the

database is akin to applicant's claimed limitation of "certifying user terminal that is

connected to said Internet service provider."

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to OJO O. OYEBISI whose telephone number is (571)272-

8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Thomas Dixon can be reached on (571)272-6803. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/OJO O OYEBISI/
Primary Examiner, Art Unit 3696